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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/960,470	09/20/2001	Richard Francis Russell	2001-0157.02	1706

21972 7590 11/15/2004

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EXAMINER

REFAI, RAMSEY

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 11/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/960,470	Applicant(s) RUSSELL ET AL.	
	Examiner Ramsey M Refai	Art Unit 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2001.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>09/20/2001</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

1. Claims 1-12 are presented for examination

### ***Specification and Claims***

2. The use of the trademark WINDOWS has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5, 7-8, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lafky (U.S. Patent No. 6,809,830) in view of Dowling (U.S. Patent No. 6,636,499).

5. As per claim 1, Lafky teaches a method of creating network printer ports on a computer workstation, said computer workstation having an operating system that includes a print subsystem, comprising the steps of:

providing a network **(51, Figure 1 and column 3, lines 42-43);**

communicatively coupling said computer workstation to said network **(column 3, lines 33-44);**

communicatively coupling at least one printer to said network **(column 3, lines 30-36);**

said computer workstation performing the steps of:

receiving a response packet from said first printer, said response packet including printer-specific network information of said first printer **(column 5, lines 18 – 30);**

identifying whether a network port exists for said first printer **(column 1, line 55–column 2, line 5; a change in the list of device objects results in making a function call to the dynamic port monitor);** and

if no such network port exists, then creating a first network printer port for said first printer based on said printer-specific network information for said first printer **(abstract, lines 9-12 and column 1, line 55 – column 2, line 5; when a new device is detected by noticing a change in the list of device objects; it then created a port name for the printer) .**

6. Lafky fails to teach transmitting a discovery packet to which a first printer of a designated type can respond.

7. However, Dowling teaches sending discovery protocol packets to neighboring network devices using destination addresses. **(column 4, lines 57-65).** It would have been obvious to one

of the ordinary skill in the art at the time of the applicant's invention to combine the teachings of Lafky and Dowling because Dowling's use of discovery protocol packets in Lafky's method would allow for a computer system to discover network devices by sending discovery packets throughout the network and receiving a response from the discovered devices.

8. As per claim 2 Lafky initializing a port monitor upon a loading of said print subsystem, said port monitor performing each of said transmitting step, said receiving step and said identifying step (**abstract and column 1, line 55- column 2, line 5**).

9. As per claim 3, Lafky teaches an operating system is a WINDOWS operating system (**column 1, lines 29-35**).

10. As per claim 4, Lafky teaches a WINDOWS operating system includes a print spooler for initializing said port monitor and for performing said creating step (**column 1, lines 38-52**).

11. As per claim 5, Lafky teaches said print spooler receives said printer-specific network information for said first printer from said port monitor (**column 1, lines 62-67, column 5, lines 8-12, and column 5, line 62-column 6, line 10**).

12. As per claim 7, Lafky fails to teach a discovery packet is a propriety broadcast message to which only a printer of said designated type on said network will respond.

13. However, Dowling teaches sending discovery packets to already known neighboring network devices using the device type and SNMP agent addresses (**column 4, lines 57-60 and column 10, lines 57 – 67**). It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention to combine the teachings of Lafky and Dowling because Dowling's use of sending discovery protocol packets to neighboring devices in Lafky's method would allow for a computer system to discover neighboring network devices by sending discovery packets throughout the network in order to locate a network printer.

14. As per claim 8, this claim contains similar limitations as claim 1 above, therefore is rejected under the same rationale.

15. As per claim 10, this claim contains similar limitations to claims 1-5 above, therefore is rejected under the same rationale.

16. As per claim 12, Lafky teaches the step of invoking said WINDOWS print spooler (**abstract; printer program**) to initialize said port monitor (**abstract**) occurs when said print subsystem is loaded by said workstation (**abstract; plug and play manager**).

17. Claims 6, 9, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lafky (U.S. Patent No. 6,809,830) in view of Dowling (U.S. Patent No. 6,636,499), and further view of AAPA (Applicant Admitted Prior Art).

18. As per claim 6, Lafky fails to teach printer-specific network information includes a TCP/IP address and a MAC address.

19. However, AAPA teaches that the printers include a machine access code (MAC) address and/or TCP/IP address (**paragraph [0008]**). It would have been obvious to one of the ordinary skill in the art at the time of the applicant's invention to combine the teachings of Lafky, Dowling, and AAPA because AAPA's use of printers that contain machine access code (MAC) address and/or TCP/IP addresses in Lafky and Dowling's method are required in order to create a network port for the discovered network printer.

20. As per claims 9 and 11, these claims contain similar limitations as claim 6 above, therefore is rejected under the same rationale.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Brockway et al (U.S. Patent No. 6,789,111); Automatic Detection of Installation of Client Peripheral Devices by a Server.
- b. Agatone et al (U.S. Patent No. 5,852,744); Method for Discovering a Network Printer by Assigning Dedicated Sockets to Different Printer Types and Polling the Dedicated Sockets to Learn the Corresponding State.

- c. White et al (U.S. Patent No. 6,301,012); Automatic Configuration of Network Printer.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramsey M Refai whose telephone number is (571) 272-3975. The examiner can normally be reached on M-F 8:30 - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571)272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ramsey M Refai  
Examiner  
Art Unit 2154

RMR  
November 4, 2004

